

This matter comes before the Court pursuant to *Defendant/Third Party Plaintiffs'* *Motion to Toll Running of Time to Serve Process Upon Third Party Defendants Pending Disposition of Defendants' Motion to Stay* [Docket No. 125] filed on December 23, 2005. Having reviewed the Motion, the Plaintiffs' Response and the file in this matter, the Court finds as follows:

1. Third Party Plaintiffs filed their Third Party Complaint on October 4, 2005. Pursuant to Fed. R. Civ. P. 4(m), service of process upon the Third Party Defendants must be accomplished by February 1, 2006.

2. On November 14, 2005, Defendants filed their Motion to Stay Proceedings (Docket No. 125) ["Motion to Stay"] requesting the Court to stay these proceedings in light of the filing of a Motion for Leave to File Bill of Complaint and Bill of Complaint by the Arkansas Attorney General in the United States Supreme Court in *State of Arkansas v. State of Oklahoma*, No. 220133 (Original 2005).

3. It is in the interest of justice to stay the running of the time to serve the Third Party Defendants, and to therefore delay serving process on the Third Party Defendants until the Court takes up and rules upon Defendants' Motion to Stay. Delaying service on these third parties will not cause any prejudice to any party, and it will serve the interests of justice through efficient management of resources and the progress of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Third Party Plaintiffs' Motion is sustained, and the running of the time period to serve the non-public Third Party Defendants under Fed. R. Civ. P. 4(m) is tolled as of this date. Tolling of this time period will continue until such time as the Court rules upon the Defendants'

Motion to Stay or otherwise enters an order setting a date for service of process upon the Third Party Defendants.

So Ordered this 9th day of January, 2006.



JAMES O. ELLISON, Senior Judge
UNITED STATES DISTRICT COURT